IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.M. No. 22831-CII of 2006 and
C.R. No. 5728 of 2006.
Date of decision : 14.11.2006.

Prem Raj & Anr.

.....Petitioners.

Versus

Dr. Lokesh Kumar & Anr.

.....Respondents.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr.Lokesh Sinhal,Advocate
for the applicants-petitioners.

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VINOD K. SHARMA,J.(ORAL)

C.M. No. 22831-CII of 2006 :

For the reasons stated in the application, the case is preponed for today.

C.R. No. 5728 of 2006 :

The present revision petition has been filed against the order dated 14.9.2006 passed by the learned Civil Judge (Jr. Divn.), Palwal vide which application moved under Order 6 Rule 17 C.P.C. by the petitioner has been dismissed.

The learned trial Court has held that the application for amendment of the plaint has been moved by the plaintiff at a very belated stage just to prolong and delay the case. By way of amendment the petitioner has sought to amend the plaint to incorporate the pleadings that during the pendency of the suit the path has been encroached upon by the

respondent herein. The learned Court has come to the conclusion that prima facie there is no evidence that there exists a path, therefore, the amendment sought could not be allowed.

There is no error or illegality in the order which may call for interference by this Court.

Dismissed.

14.11.2006 **(VINOD K. SHARMA)**
'sp' **JUDGE**